



# FAIRFAX COUNTY

ZED

**OFFICE OF THE CLERK  
BOARD OF SUPERVISORS**  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151  
FAX: 703-324-3926  
TTY: 703-324-3903

December 13, 2002

John W. Farrell, Esquire  
McCandlish and Lillard, PC  
11350 Random Hills Road, Suite 500  
Fairfax, Virginia 22030-7429

RE: Special Exception Application Number SE 2002-HM-014  
(Concurrent with RZ 2002-HM-012 and PCA 82-C-056)

Dear Mr. Farrell:

At a regular meeting of the Board of Supervisors held on November 18, 2002, the Board approved Special Exception Application Number SE 2002-HM-014 in the name of HBL Incorporated, located at 8601 Westwood Center Drive, Tax Map 29-3 ((2)) 1, to permit a vehicle sale, rental and ancillary service establishment and drive-in bank pursuant to Section 4-704 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services ("DPWES"). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled **Special Exception Amendment Plat, Parcel 1, Westwood Corporate Center**, prepared by **Walter L. Phillips, Inc.**, which is dated **June 24, 2002**, as revised through **August 1, 2002**, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. The number of employees on-site for the vehicle sales establishment at any given time shall not exceed 25.
5. Landscaping shall be provided in substantial conformance with the location, quality and quantity of plantings depicted on the Special Exception Plat. A landscape plan shall be submitted as part of the site plan. This plan shall be coordinated with, and approved by, the Urban Forestry Division, DPWES, and shall contain the landscaping shown on the Special Exception Plat, including streetscape and peripheral and interior parking lot landscaping. All landscaping shall be irrigated and maintained by the applicant.
6. Prior to site plan approval or the issuance of the first Non-RUP in the event site plan approval is not required, funds shall be escrowed for the future implementation of streetscape along the site's Leesburg Pike (Route 7) frontage in accordance with the Comprehensive Plan Route 7 Boulevard Streetscape Design Concept, as illustrated with the attached sketch. The escrow amount shall be determined by the Urban Forestry Division, DPWES, as adjusted yearly based on ten (10)-year trends by the Virginia Highway Construction Bid Index as published in the Engineering News Record from the date of the Special Exception approval. The final streetscape design shall be coordinated with the Washington Metro Area Transit Authority (WMATA) when construction of the station begins and shall be installed by the applicant at such time as the final design of the station is completed. If the station and rail transit line is not funded for construction by December 31, 2010, the streetscape shall be designed and installed no later than June 30, 2011.
7. The outdoor area devoted to loading, parking and display of vehicles shall be limited to that area so designated on the Special Exception Plat, and no vehicles shall be displayed on the site in a manner that will impede the flow of traffic or pedestrian access on-site. No parking shall be permitted along sidewalks, service drives and within landscaped areas. No storage of vehicles shall be permitted on-site except for that area depicted for display of vehicles on the Special Exception Plat.
8. No servicing or repair of vehicles shall occur on-site.

- done  
see  
5/1/2008  
letter to  
Kevin  
Gurman*
- Needs  
to be  
done  
OK  
see  
photos.*
9. All loading and unloading shall be conducted on-site within the loading area depicted on the Special Exception Plat. All trucks loading or unloading vehicles except for single vehicle tow trucks shall access the loading area via the travel aisle located between Buildings 3 and 4, as depicted on the attached exhibit. No loading or unloading of vehicles shall be permitted within the service drive or on Westwood Center Drive. Prior to issuance of the Non-Residential Use Permit (Non-RUP) for the vehicle sales establishment and subject to the approval of DPWES and DOT, visible signage directing trucks to follow this circulation pattern to access the loading area shall be posted by the applicant. These signs shall be posted at the Westwood Center Drive entrance to the subject site, as well as at the Westwood Center Drive entrance to Buildings 3 and 4 of the

Westwood Corporate Center. In addition, Signs shall also be posted at all entrances to the site and along the service drive and Westwood Center Drive which state that no loading or unloading is permitted within the service drive or on Westwood Center Drive. After the foregoing measures have been implemented, if it is determined by the Zoning Administrator, in its reasonable judgment, that the said measures are ineffective in preventing the loading and unloading of trucks carrying vehicles on the Route 7 service drive in front of the subject property or on Westwood Center Drive, then the applicant shall cause all trucks loading or unloading vehicles to do so on the property shown on Tax Map 029-33 ((1)) 1D or such other location as will avoid loading and unloading of trucks carrying vehicles on public streets as approved by the Zoning Administrator.

10.

Prior to issuance of the Non-Residential Use Permit (Non-RUP), in addition, it shall be demonstrated to the satisfaction of the Fairfax County Department of Transportation (DOT) through certified mail return receipts that the manufacturer and/or all delivery companies have been notified of the location for deliveries and the appropriate circulation pattern as well as the prohibition for loading and unloading in the service drive and on Westwood Center Drive. Finally, a designee of the vehicle sales establishment shall be available at all times to direct trucks to the loading area.

*Need  
evidence  
this  
has been  
done.*

11. Pedestrian access shall be maintained to adjacent properties to the south as shown on the Special Exception Plat, and the pedestrian walkway shall be maintained into the site from the service drive as shown on the Special Exception Plat.

12. An additional ten (10) feet of right-of-way along Leesburg Pike (Route 7) shall be reserved for future dedication to the Board of Supervisors (BOS) in fee simple upon demand for the purpose of installing Metrorail. Should it be determined by the Fairfax County Department of Transportation that this reservation area is not needed due to a change in alignment, change in station location, or a formal decision that rail will not be constructed in the location of the subject site, then this reservation shall expire.

*Satisfied  
see  
5/8/2008  
letter*

13. The hours of operation for the vehicle sales establishment shall be 9:00 AM- 9:00 PM, Monday through Friday, 9:00 AM-6:00 PM on Saturday, and noon to 5:00 PM on the last Sunday of the month.
14. All lighting shall be designed and located in accordance with the glare standards as set forth in Part 9 of Article 14 of the Zoning Ordinance. All lighting shall feature cutoff shielding and shall be directed downward to minimize off-site glare. The site shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
15. Signs shall be posted to warn drivers of the one-way travel aisle along the western and southern property lines.

16. All signs shall meet the requirements of the Sign Control Overlay District at the time of permit issuance. No freestanding signs shall be permitted at the subject site. No buntings, flags, balloons, or other types of decorative materials used for promotional purposes shall be located in such a manner as to be visible from off-site, except as otherwise allowed by the provisions of Article 12 of the Zoning Ordinance.
17. Any dumpster and recycling container located on the exterior of the building shall be located within a gated enclosure that is constructed of brick or architectural block.
- OK { 18. The canopy fascia of the drive-in bank shall not be illuminated. All lighting under the canopy shall be recessed into the canopy ceiling and shall be directed downward.
19. The hours of operation of the drive through window shall be limited to the hours of 8:00 a.m. to 7:00 p.m. weekdays and 9:00 a.m. to 1:00 p.m. Saturdays.
- done 20. Prior to the issuance of the first Non-Residential Use Permit (Non-RUP), the crosswalk and path to the bus stop along Westwood Center Drive and paved standing area for this bus stop as depicted on the Special Exception Plat shall be installed.
- 2 screw provide 21. The applicant shall make sure repairs to the Route 7 service drive across the frontage of the land shown on Tax Map 029-3 ((1)) 1D as is necessary to enable the Virginia Department of Transportation (VDOT) to accept that portion of the Route 7 service drive into the state secondary system for maintenance. Such repairs shall be bonded as part of the site plan for the subject property.  
see 5/1/2008 email
- ? paid 22. Prior to final site plan approval, a contribution of \$13,941.95 shall be made to the Tysons Corner Area Road Fund to be used toward road improvements in the vicinity of the subject property. This contribution shall be adjusted yearly, based on ten (10) year trends by the Virginia Highway Construction Bid Index, as published by the Engineering News Record, from the date of special exception approval.  
3/26/06 see email

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any otherwise applicable ordinances, regulations, or adopted standards. The applicant shall be itself responsible for obtaining the required Non-Residential Use Permits through established procedures, and this Special Exception shall not be valid until all such required Non-RUPs have been obtained.

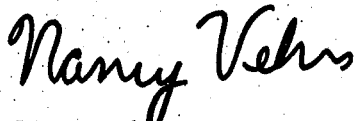
Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and has been duly prosecuted. The Board of Supervisors may grant additional time to establish the uses or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of

expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**The Board also waived Paragraph 20, Section 11-012 of the Zoning Ordinance to permit six stacking spaces at the drive-in bank rather than ten spaces.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor Hudgins, Hunter Mill District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Enforcement Branch  
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB  
Audrey Clark, Director, BPRD, DPWES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,  
Charles Strunk, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPWES  
DPWES - Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner

Feb-04-02 09:40

From-McCandlish&Lillard

7033524300

T-610 P.02/04 F-200



CONCURRENT WITH  
RZ 2002-HM-012  
PCA B2-C-056 FDR B2-C-056-05

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
APPLICATION FOR SPECIAL EXCEPTION

RECEIVED  
OFFICE OF COMPREHENSIVE PLANNING

FEB 7 2002  
ZONING EVALUATION DIVISION  
9-501 CAT  
6425

APPLICATION NO. SE 2002-HM-014  
(Assigned by Staff)

ZONING ORDINANCE SECTION UNDER WHICH APPLICATION IS FILED: 4-704 Category 5, F & U  
PROPOSED USE: Vehicle sale, rental and ancillary service establishment and drive in bank

NAME OF APPLICANT(s): Robert F. Farrell H.B.L. Inc 66 2/25/02

POSTAL ADDRESS OF PROPERTY: 8601 Westwood Center Drive  
Vienna, VA 22182

TAX MAP DESCRIPTION:

029-3 ((20)) 0001  
Map No. Double Circle No. Single Circle No. Parcel(s)/Lot(s) No.

SUBDIVISION NAME:

TOTAL AREA (AC. OR SQ. FT.): 2.4122 acres

PRESIDENT ZONING: PDC, HC, SC

PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: C-7, HC, SC

SUPERVISOR DISTRICT: Hunter Mill

I, the undersigned, do hereby authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Robert F. Farrell

President, H.B.L. Inc.

Type of Print Name of Applicant or Agent

Signature of Applicant or Agent

8545 Leesburg Pike Vienna VA 22182

Address

Telephone No.

Please provide name and telephone number of contact person if different from above.

John W. Farrell

703 934 1182

DO NOT WRITE IN THIS SPACE

Date application received:

Date application accepted:

Application Fee Paid: \$ 2970.00

Form SE (10/99)

RECEIVED  
Department of Planning & Zoning

DEC 20 2002

Zoning Evaluation Division